

HOUSE BILL NO. 365

INTRODUCED BY MAEDJE, MCGEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO EXAMINING LAND SURVEYORS; REQUIRING THAT A REVIEW BY AN EXAMINING LAND SURVEYOR MUST BE COMPLETED WITHIN ~~10 WORKING~~ 14 DAYS; PROHIBITING A GOVERNING BODY FROM IMPOSING MORE STRINGENT REVIEW REQUIREMENTS; ~~REQUIRING A GOVERNING BODY TO USE AN EXAMINING LAND SURVEYOR WHOSE OFFICE OR THE MAJORITY OF WHOSE WORK IS IN THE GOVERNING BODY'S JURISDICTION; REQUIRING A GOVERNING BODY TO ESTABLISH A ROTATION SYSTEM FOR EXAMINING LAND SURVEYORS IF THERE IS MORE THAN ONE LAND SURVEYOR WITHIN THE JURISDICTION; REQUIRING A GOVERNING BODY TO USE AN EXAMINING LAND SURVEYOR FROM WITHIN THE JURISDICTION WITH CERTAIN EXCEPTIONS; AND AMENDING SECTION 76-3-611, MCA.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-611, MCA, is amended to read:

"76-3-611. Review of final plat. (1) The governing body shall examine each final subdivision plat and shall approve the plat only if:

(a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and regulations adopted pursuant to this chapter; and

(b) the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

(2) (a) The governing body may require that final subdivision plats and certificates of survey be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording the plats and certificates of survey with the county clerk and recorder. WHEN THE SURVEY DATA SHOWN ON THE PLAT OR CERTIFICATE HAS ERRORS OR OMISSIONS, THE EXAMINING LAND SURVEYOR HAS 20 DAYS IN WHICH TO NOTIFY THE CLERK AND RECORDER, WHO MAY REQUEST THAT CORRECTIONS BE MADE. When the survey data shown on the plat or certificate of survey meets the conditions pursuant to this ~~chapter~~ SECTION, the examining land surveyor shall certify the compliance in a printed or stamped certificate on the plat or certificate of survey. The certificate must be signed by the EXAMINING LAND surveyor and filed with the county clerk and recorder within ~~10 working~~ 14 days

1 ~~of the request for the review~~ SUBMITTAL OF THE RECORD SET FOR REVIEW. The governing body may not impose any
2 additional requirements for the review that are more stringent than the requirements of this subsection (2).

3 ~~—— (b) The governing body shall use as an examining land surveyor a registered land surveyor whose office~~
4 ~~is located within the governing body's jurisdiction or the majority of whose work is performed within the~~
5 ~~jurisdiction. If there is more than one registered land surveyor within the jurisdiction, the governing body shall~~
6 ~~establish a rotation system for examining land surveyors from among all of the registered land surveyors within~~
7 ~~the jurisdiction. A governing body may not use a registered land surveyor from outside of the governing body's~~
8 ~~jurisdiction as an examining land surveyor unless a registered land surveyor within the jurisdiction is not~~
9 ~~available. This subsection (2)(b) does not apply to a governing body that has adopted all or part of the Montana~~
10 ~~Procurement Act as provided in 18-4-124.~~

11 ~~(b)(c)(B)~~ A land surveyor may not act as an examining land surveyor in regard to a plat or certificate of
12 survey in which the surveyor has a financial or personal interest.

13 ~~(C) AS USED IN THIS SUBSECTION (2), "RECORD SET" MEANS A COPY OF THE CERTIFICATE OF SURVEY OR THE~~
14 ~~SUBDIVISION PLAT THAT MUST BE FILED WITH THE COUNTY CLERK AND RECORDER."~~

15 - END -